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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ BAIL APPLN. 1085/2016

NAVIN SEJWAL

..... Petitioner

Through: Mr.Vishesh Wadhwa, Advocate

versus

STATE

..... Respondent

Through: Ms.Kusum Dhalla, APP for the State

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

31.05.2016

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1. The petitioner is seeking anticipatory bail in case FIR No.372/2016 under Section 186/353/332/225/34 IPC, PS Saket, New Delhi.
2. On behalf of the petitioner, Mr. Vishesh Wadhwa, Advocate has submitted that petitioner has been falsely implicated in this case in view of the complaint made by the mother of the petitioner against police official for demanding bribe from her as she was constructing her house for which SI Rajdeep Singh demanded bribe.
3. Learned counsel for the petitioner submits that at the time of incident he was present in his house and he has been falsely named and implicated in this case.
4. Learned counsel for the petitioner has been specifically questioned that when other family members were taken for medical examination why he did not submit himself for medical examination as the allegations against him were of abusing and assaulting the police officials and that he was heavily drunk at that time. Learned counsel for the petitioner could not explain as to why the petitioner did not submit himself for medical examination at that time.

5. Another ground on which petitioner is seeking bail is that he has been falsely implicated for the reason that his mother has made the complaint against the police officials. The petitioner has annexed the copy of the complaint made by his mother to the SHO against SI Rajdeep Singh for demanding money from her at page no. 34 of the paper book. It shows that the complaint has been made on 16th April, 2016 at 5.48 a.m. whereas the incident has taken place on the night intervening 15/16th April, 2016 at 12.15 a.m.

6. The MLC annexed with the status report shows date and time of the incident as 16th April, 2016 at 12.30 a.m.

7. The FIR in this case has been registered on the basis of statement made by Constable Ishwer Singh who was on picket duty. He was informed about two-three boys consuming liquor and abusing near old M.B.Road. In the meantime, SI Rajdeep Singh who was on patrolling duty also reached there. When they reached at House No. F-156, Lado Sarai, they saw two-three persons consuming liquor and creating nuisance. When they tried to apprehend those persons, two persons managed to escape except one person later on identified as Naveen. He was under the influence of the liquor. On seeing the police, started abusing. He also caught constable Ishwer Singh by his uniform and slapped him. The petitioner also grappled with the complainant raising noise. His family members consisting of his mother and some other ladies and another person, Mahavir as well his brother Yogesh came to the spot and they also started beating the complainant and tore his uniform. They also caused injuries on both the hands of the complainant thereby making him to loose his grip as a result of which the petitioner Naveen managed to free himself and ran away towards the village. When SI

Rajdeep Singh tried to chase him, his sisters obstructed him and they had also torn their clothes and threatened to make complaint against him.

8. Taking into consideration the role attributed to the petitioner, I do not find it to be a fit case to enlarge the petitioner on anticipatory bail especially when the MLC of the constable Ishwer Singh, which has been prepared at 2.21 a.m. on 16th April, 2016, suggests that the subsequent complaint at 5.48 a.m. by the mother of the petitioner was made with a view to create a defence. It may be relevant to record here that in case of any demand of money from her by SI Rajdeep Singh, he could not have made at mid-night so as to compel his mother to lodge the complaint at 5.48 a.m. when constable Ishwer Singh was under medical examination at Jai Prakash Narayan Apex Trauma Center, AIIMS, New Delhi.

9. Status report shows that petitioner was also involved earlier in case FIR Nos. 176/12 registered under Sections 323/341/34 IPC PS Saket, New Delhi; 785/2014 registered under Sections 435/34 IPC PS Saket, New Delhi and FIR No.103/2005 registered under Sections 323/341/34 IPC at PS Malviya Nagar.

10. In the given facts and circumstances, there is no ground to grant anticipatory bail to the petitioner.

11. The application is dismissed.

12. Any observations made hereinabove for the purpose of dealing with the contentions raised during hearing of the bail application shall not be deemed to be an expression on merits of the case.

PRATIBHA RANI, J.

MAY 31, 2016/‘pg’